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2007 MAY 25 A 10: 55

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. S.J.

Attorney for Plaintiffs

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E-FILING

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

#5
Fees Pd
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ZHONG ZHANG, individually,

JIE MA, individually,

PLANTIFFS,

v.

EMILLO T. GONZALEZ, Director of the
U.S Citizenship and Immigration Services,

ALBERTO R. GONZALES, as Attorney
General of the United States,

MICHAEL CHERTOFF, in his Official
Capacity, Secretary, United States
Department of Homeland Security.

DEFENDANTS.

C07 02754

RS

Case No.:

Agency File Numbers:

WAC0513750806

WAC0514451635

COMPLAINT FOR DECLARATORY
RELIEF IN THE NATURE OF
MANDAMUS

INTRODUCTION

COME NOW Zhong Zhang and Jie Ma, Plaintiffs in the above captioned case and for cause of action would show unto the Court the following:

1. This is an action for declaratory and mandatory relief, authorized by 28 U.S.C. § 1361, the mandamus statute; 28 U.S.C. § 2201, the Declaratory Judgment Act; and 5 U.S.C. § 702, the Administrative Procedure Act, ("APA"). Plaintiffs file this action to compel all necessary steps needed for the adjudication of their pending applications for lawful permanent residency be taken.

2. This action seeks to compel the Department of Homeland Security ("DHS"), U.S. Citizenship and Immigration Services ("CIS"), to take all the necessary actions in order to adjudicate Plaintiffs' Applications to Adjust to Permanent Resident Status (on Form I-485) which were filed in April 2005 and have been pending for over two years. Plaintiffs' I-485 applications were filed on the basis of an employment based third preference category petition (Form I-140) filed on Plaintiff Zhong Zhang's behalf by LSI Logic Corporation.¹

JURISDICTION AND VENUE

3. This Court has jurisdiction over the present action pursuant to 28 U.S.C. § 1361, the mandamus statute; 28 U.S.C. § 2201, the Declaratory Judgment Act; 28 U.S.C. § 1331, general federal question jurisdiction; and 5 U.S.C. § 702, the Administrative Procedure Act ("APA").

¹ Plaintiff's I-140 Approval notice, Exhibit C, p. 17

4. Venue is proper with this court pursuant to 28 U.S.C. § 1391(e) because this is a civil action in which the defendants are employees or officers of the United States, acting in their official capacity, and an agency of the United States; because a substantial part of the events or omissions giving rise to the claim occurred in Santa Clara County, California, in the Northern District of California, and there is no real property involved in this action.

5. Intradistrict Assignment: This action should be assigned to San Jose Division because a substantial part of the events and omissions giving rise to this claim occurred within the jurisdiction of San Jose division, and because Plaintiffs reside in that division. See Local Rules 3-2(c), (d).

PARTIES

6. Plaintiffs Zhong Zhang and Jie Ma are husband and wife and citizens and natives of China. In April 2005, the couple filed applications to adjust to permanent resident status concurrently with an employment based third preference category I-140 immigrant petition filed for the wife, Plaintiff Zhong Zhang by LSI Logic Corporation.² The underlying I-140 petition was subsequently approved on July 12, 2005.³ It has been more than two years since the applications were filed but the cases remain unresolved.

7. Defendant Emilio T. Gonzalez is the Director of the U.S. Citizenship and Immigration Services (“USCIS”), and this action is brought against him in his official capacity. He is generally charged with the implementation of the Immigration &

² Receipt notices for plaintiffs' I-485 applications, Exhibit B, pp. 15-16

³ Approval notice for I-140 immigrant petition, Exhibit C, p. 17

1 Nationality Act, and is further authorized to delegate such powers and authority to
2 subordinate employees of the USCIS. More specifically, Mr. Gonzalez is responsible for
3 the adjudication of applications for adjustment of status under §245 of the Immigration
4 and Nationality Act ("INA").⁴

5
6 8. Defendant Alberto R. Gonzales is the Attorney General of the United
7 States, and this action is brought against him in his official capacity. He is generally
8 charged with enforcement of the Immigration and Nationality Act, and is further
9 authorized to delegate such powers and authority to subordinate employees of the FBI, an
10 agency under the Department of Justice. More specifically, Mr. Gonzalez is responsible
11 for overseeing the National Name Check Program ("NNCP") mandated by Executive
12 Order 10450. Presently, every immigrant and naturalization petitioner must receive a
13 clearance from the FBI under the NNCP before the adjustment application can be
14 approved. See 22 C.F.R. §42.67(c) (2).

15
16
17
18 9. Defendant Michael CHERTOFF is sued in his official capacity as the
19 Secretary of DHS. In this capacity, he has responsibility for the administration and
20 enforcement of the immigration and naturalization laws pursuant to section 402 of the
21 Homeland Security Act of 2002, 107 Pub. L. No. 296, 116 Stat. 2135 (Nov. 25, 2002);
22 see also 8 U.S.C. § 1103.

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24 ///

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⁴ 8 U.S.C. §1255

FACTUAL ALLEGATIONS

10. Plaintiff Zhong Zhang is a citizen of China. She first entered the United States in 1999 with an F-1 student visa. Ms. Zhang has been employed by LSI Logic Corporation under H1B status since July 2001.⁵

11. In April 2005, Ms. Zhang filed her Application to Adjust to Lawful Permanent Resident Status (Form I-485) with USCIS California Service Center (CSC). The application was received on April 12, 2005 with a notice date of April 15, 2005.⁶

12. Ms. Zhang's I-485 application was submitted concurrently with an I-140 employment-based third preference immigrant petition filed for her by her employer, LSI Logic Corporation (LSI). The underlying I-140 petition was subsequently approved on July 12, 2005 with a priority date of May 17, 1999.⁷

13. Shortly after USCIS CSC's receipt of Ms. Zhong Zhang's application, Plaintiff Jie Ma, Zhong Zhang's husband submitted his I-485 derivative adjustment application. Mr. Ma's I-485 derivative adjustment application was received by USCIS CSC on April 21, 2005 with a receipt notice date of April 25, 2005.⁸

14. Plaintiffs' applications for adjustment of status were never adjudicated and after waiting for almost two years, Plaintiffs began to make attempts to obtain status of their adjustment applications by personally visiting the local CIS office and through the

⁵ Declaration of Zhong Zhang, Exhibit A, pp. 12-14

⁶ Receipt notice for Ms. Zhang's I-485 Application, Exhibit B, p.15

⁷ Approval Notice for I-140 petition, Exhibit C, p. 17

⁸ Receipt notice for Plaintiff Jie Ma's I-485 application, Exhibit B, p. 16

1 help of corporate counsel.⁹ They have also sought assistance from their congressional
2 representative and U.S. senator.¹⁰

3 15. On January 12, 2007, Plaintiffs made an inquiry of the status of their I-485
4 applications with USCIS CSC through Zhong Zhang's corporate counsel Sarah G.
5 Goyette. The CSC's response dated January 23, 2007 indicated that Principal Applicant
6 Zhong Zhang's I-485 was still pending FBI name check clearance.¹¹

7
8 16. On March 1, 2007, Plaintiff made an appointment to speak to a district
9 officer through INFOPASS.¹² She was attempted to obtain more specific details about
10 her case, such as the estimated date of completion of FBI name check, etc., however, the
11 officer was unable to provide any.¹³

12
13 17. The efforts made by Plaintiff's congressional representative and U.S.
14 Senator with USCIS have received no positive results either.¹⁴

15
16 18. The letter dated March 1, 2007 from Congressman Mike Honda stated that
17 according to USCIS California Service Center's response to his inquiry, Plaintiff Zhong
18 Zhang's case was still pending under review.¹⁵

19 19. The letter dated March 30, 2007 from Office of U.S. Senator Barbara Boxer
20 indicated that the response to their inquiry from USCIS Nebraska Service Center (NSC)
21
22

23
24
25 ⁹ See Exhibits D-E, pp. 18-20

26 ¹⁰ See Exhibits F-G, pp. 21-23

27 ¹¹ Electronic correspondence between Corporate Counsel and USCIS CSC, Exhibit D, pp. 18-19

28 ¹² Infopass Appointment with local CIS officer, Exhibit E, p. 20

¹³ Declaration of Zhong Zhang, Exhibit A, pp. 12-14

¹⁴ See Exhibits F-G, pp. 21-23

¹⁵ A letter from Congressman Mike Honda with a response from USCIS CSC, Exhibit F, pp. 21-22

1 was that Plaintiff Zhong Zhang's case was awaiting final security clearances and that
2 NSC was unable to estimate the amount of time it would take for the security clearances
3 to be completed.¹⁶

4
5 20. Since their I-485 applications were filed, Plaintiffs have had their
6 fingerprints processed twice. Plaintiff Zhong Zhang completed her second fingerprinting
7 on October 6, 2006 while her husband Jie Ma had his fingerprints processed a second
8 time on March 17, 2007.¹⁷

9
10 21. While their adjustment applications are pending, Plaintiffs are required to
11 renew and pay for their employment authorization on an annual basis.¹⁸ Also during the
12 pendency of their applications, they must apply and pay for special travel document
13 called "advance parole" on an annual basis before they can travel overseas.¹⁹ This
14 foreign travel restriction has adversely affected Plaintiff's ability to conduct business and
15 visit family members and friends overseas. The regulatory procedures have become a
16 considerable burden and have cost plaintiffs many work hours as they have had to leave
17 work to do repetitive fingerprinting.
18

19
20 22. Plaintiffs believe their immigration cases have been mishandled by
21 Defendants. They have complied with the requirements of the law and regulations, but
22 their applications for adjustment of status remain pending after they completed their
23
24

25
26 ¹⁶ A letter from Congressman Mike Honda with a response from USCIS CSC, Exhibit F, p.23

27 ¹⁷ Declaration of Zhong Zhang's Exhibit A, pp. 12-14; Notices for second fingerprinting, Exhibit H, pp.
28 24-25

¹⁸ Exhibit A, pp. 12-14

¹⁹ Id.

1 initial/second biometrics as well as submitted all the information asked by the
2 government.²⁰

3 23. Defendants have unreasonably delayed Ms. Zhang and her husband Mr.
4 Ma's cases by refusing to make a final decision. Defendants' refusal to act on Plaintiffs'
5 cases has deprived Ms. Zhang and Mr. Ma of the right to complete their application
6 process, thereby depriving them of the peace of mind to which they are entitled.
7

8 24. The Defendants, in violation of the Administrative Procedures Act, 5
9 U.S.C. §701 *et seq.*, have unlawfully withheld or unreasonably delayed actions on MS.
10 Zhang and Mr. Ma' applications for adjustment of status and have failed to carry out the
11 adjudicative functions delegated to them by law with regard to Plaintiffs' cases.
12

13 CAUSES OF ACTION,

14 15 (VIOLATION OF IMMIGRATION AND NATIONALITY ACT AND 16 ADMINISTRATIVE PROCEDURES ACT)

17 (EMPLOYMENT-BASED ADJUSTMENT OF STATUS APPLICATION)

18 25. Paragraphs 1 through 24 are incorporated herein.

19 26. Ms. Zhang is the subject of an approved I-140 visa petition filed by LSI
20 Logic Corporation pursuant to 8 U.S.C. § 1153(b)(3), immigrant visas are available to
21 the employment-based preference categories upon reaching priority dates. Hence,
22 pursuant to 8 U.S.C. § 1255(a), Plaintiff Ms. Zhang and her husband Jie Ma are eligible
23 for adjustment of status to the status of a lawful permanent resident.
24
25
26

27
28 ²⁰ See the information in Exhibit D, p. 18

1 27. Plaintiffs have been eligible for adjustment of status since April 2005, for
2 more than two years now. The USCIS California Service Center is currently processing
3 similar applications filed in October 2006.²¹ Plaintiffs' applications are clearly
4 unreasonably delayed.
5

6 28. As a result of the aforesaid delay, Ms. Zhang and Mr. Ma were subjected to
7 various employment and travel restrictions, as well as personal hardships which they
8 would not have had suffered had the applications been adjudicated in a reasonable and
9 timely manner.
10

11 29. Writ of Mandamus is an appropriate remedy whenever a party demonstrates
12 a clear right to have an action performed by a governmental official who refuses to act.
13 Donovan v. United States, 580.F.2d 1203, 1208 (3d Cir. 1978). Defendants have refused
14 to adjudicate Plaintiffs' employment-based applications for adjustment of status.
15 Defendants have a duty to act upon the applications and have failed to do so in a
16 reasonable time or manner. See e.g. Patel v. Reno, 134 F.3d 929 (9' Cir. 1997).
17 Defendants have thus violated the Immigration and Nationality Act.
18
19

20 30. In addition, defendants have violated the Administrative Procedures Act
21 ("APA"), which provides that a reviewing court shall compel agency action unlawfully
22 withheld or unreasonably delayed. 5 U.S.C. § 706(1).
23

24 31. Plaintiffs have exhausted all other available remedies. They have "no other
25 adequate means to attain the relief they desperately need." Allied Chemical Corp. v.
26
27

28 ²¹ California Service Center processing dated posted April 18, 2007, Exhibit I, pp. 26-27

1 Daiflon, Inc. 449 U.S. 33, 35 (1980). Their right to issuance of the writ is therefore
2 "clear and indisputable."

3 **PRAYER**

4
5 32. WHEREFORE, in view of the arguments and authority noted herein,
6 Plaintiffs Ms Zhang and Mr. Ma respectfully pray that the Defendants be cited to appear
7 herein and that, upon due consideration, the Court enters an order:

- 8 (a) Requiring Defendants to immediately take all necessary steps
9 needed to complete adjudication of Plaintiffs' adjustment applications
10 before visa numbers are exhausted;
11
12 (b) Awarding Plaintiffs reasonable attorney's fees; and
13
14 (c) Granting such other relief at law and in equity as justice may require.
15

16 Dated May 11, 2007
17

18
19 Respectfully submitted,
20

21
22 

23 Daniel T. Huang, CBN 185948
24 Law Office of Daniel Huang
25 506 N. Garfield Ave., Ste. 100
26 Alhambra, CA 91801
27
28

Zhang et al v. Gonzalez et al, Case Number:

LIST OF ATTACHMENTS

Exhibit Description

- | | |
|----------|---|
| A | Declaration of Zhong Zhang, pp. 12-14 |
| B | Receipts for Plaintiffs' I-485 Applications for Adjustment of status, pp. 15-16 |
| C | Approval Notice for Plaintiff Zhong Zhang' I-140 Petition, p.17 |
| D | Electronic correspondences between LSI's Corporate Counsel and USCIS, pp. 18-19 |
| E | Plaintiff Zhong Zhang's INFOPASS appointment with San Jose District Officer, p.20 |
| F | A letter from Congressman Mike Honda with a response to his inquiry about Plaintiff's case status from USCIS CSC, pp. 21-22 |
| G | A letter from Senator Barbara Boxer's Office with information about Plaintiff's case status from USCIS NSC, p. 23 |
| H | Fingerprint Appointment Notices, pp.24-25 |
| I | USCIS CSC Processing Dates of April 18, 2007, pp. 26-27 |

Declaration of Zhong Zhang

1. I, Zhong Zhang, hereby declare and state:
2. I was born on July 12, 1968 in the People's Republic of China. I first entered the United States on F1 visa on July 21, 1999.
3. I currently reside at 10122 Imperial Avenue, Cupertino, CA 95014. I live with my husband. My husband, born on March 31, 1964, is a business consultant from China. We were married on November 2, 1994 in China.
4. I have been employed by LSI Logic Corporation as a Senior Physical Design Engineer under H-1B status since July 9, 2001
5. In April, 2005, my employer LSI Logic Corporation filed with USCIS California Service Center (CSC) an I-140 employment based third preference immigrant petition on my behalf through Jocelyne J. Kim Lew, a professional law corporation.
6. I submitted my I-485 application to adjust to permanent resident status concurrently with the I-140 petition in April 2005 which was received by USCIS CSC on April 12, 2005 with a receipt notice date of April 15, 2005.
7. Shortly after the USCIS receipt of my I-485 application, my husband Jie Ma submitted his derivative adjustment application which was received by USCIS CSC on April 21, 2005 with a receipt notice date of April 25, 2005.

8. The I-140 petition my employer filed on my behalf was approved on July 12, 2005 with a priority date of May 17, 1999.

9. USCIS CSC sent a notice requesting additional evidence for my application on December 8, 2005.

10. My previous attorney Jopcelyne Lew sent a response to the RFE on my behalf in February 2006 which was received by USCIS on February 6, 2006.

11. On October 6, 2006, I completed my second fingerprinting and my husband did his second fingerprint on March 17, 2007.

12. Since my husband and I had our fingerprints taken, we have received no further information about our applications.

13. On January 12, 2007, the corporate council sent email to USCIS CSC to inquiry about the status of our cases, the response from CSC states that my application was still pending FBI name check clearance.

14. I had also sought assistance from Congressman Mike Honda and Senator Boxer's office, whose inquiries with USCIS were given no positive results.

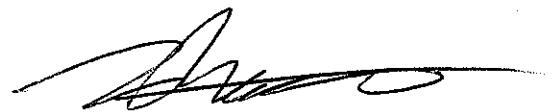
15. On March 1, 2007, I made a physical visit to local CIS office where the officer could not help me as there was no progress of my case. It seems that nobody could provide any details, not even an estimated date of completion on those "checks".

16. During the pendency of our adjustment applications, my husband and I have to apply and pay for Employment authorization documents annually which mean repetitive payment and fingerprinting.

17. Every time we want to travel abroad, we would have to apply and pay for special travel documents called "advanced parole" these traveling and work restrictions have become added burden to our lives.

18. The government's delay in processing our cases has made us very depressed, we feel helpless and insecure not knowing how long the pendency will continue or even if our applications will be approved or denied.

I hereby declare under the penalty of perjury that the above information is true and correct to the best of my knowledge. Executed this 2nd day of May 2007 at 10122 Imperial Avenue, Cupertino, CA 95014.



Zhong Zhang

Declarant

APR-06-2007 10:25 AM MCK & JOAN

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P.04

Department of Homeland Security
U.S. Citizenship and Immigration Services

I-797C, Notice of Action



RECEIPT NUMBER WAC-05-137-50806		CASE TYPE I485 APPLICATION TO ADJUST TO PERMANENT RESIDENT STATUS	
RECEIVED DATE April 12, 2005	PRIORITY DATE	APPLICANT Zhang, Zhong	
NOTICE DATE April 15, 2005	PAGE 1 of 1		
JOCELYNE J. KIM LEW JOCELYNE J KIM LEW A PRO LAW CORP RE: ZHONG ZHANG 2055 WOODSIDE RD STE 150 REDWOOD CITY CA 94061-3347		Notice Type: Receipt Notice Amount received: \$ 385.00 Section: Adjustment as direct beneficiary of immigrant petition	

Receipt notice If any of the above information is incorrect, call customer service immediately.

Processing time - Processing times vary by kind of case.

- You can check our current processing time for this kind of case on our website at uscis.gov. On our website you can also sign up to get free e-mail updates as we complete key processing steps on this case.
- Most of the time your case is pending the processing status will not change because we will be working on others filed earlier.
- We will notify you by mail when we make a decision on this case, or if we need something from you.
- If you move while this case is pending, call customer service when you move.
- Processing times can change. If you don't get a decision or update from us within our current processing time, check our website or call for an update.

If you have questions, check our website or call customer service. Please save this notice, and have it with you if you contact us about this case.

Notice to all customers with a pending I-130 petition USCIS is now processing Form I-130, Petition for Alien Relative, as a visa number becomes available. Filing and approval of an I-130 relative petition is only the first step in helping a relative immigrate to the United States. Eligible family members must wait until there is a visa number available before they can apply for an immigrant visa or adjustment of status to a lawful permanent resident. This process will allow USCIS to concentrate resources first on cases where visas are actually available. This process should not delay the ability of one's relative to apply for an immigrant visa or adjustment of status. Refer to www.state.gov/travel <<http://www.state.gov/travel>> to determine current visa availability dates. For more information, please visit our website at www.uscis.gov or contact us at 1-800-375-5283.

Always remember to call customer service if you move while your case is pending. If you have a pending I-130 relative petition, also call customer service if you should decide to withdraw your petition or if you become a U.S. citizen.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

U.S. CITIZENSHIP & IMMIGRATION SVC
CALIFORNIA SERVICE CENTER
P. O. BOX 30111
LAGUNA NIGUEL CA 92607-0111
Customer Service Telephone: (800) 375-5283



Exhibit B, I-485 Receipt for Zhong Zhang

From:

04/07 2007 09:24

#122 P.002/003

Department of Homeland Security
U.S. Citizenship and Immigration Services

I-797C, Notice of Action

THE UNITED STATES OF AMERICA

RECEIPT NUMBER WAC-05-144-51635		CASE TYPE I485 APPLICATION TO ADJUST TO PERMANENT RESIDENT STATUS
RECEIVED DATE April 21, 2005	PRIORITY DATE	APPLICANT MA, JIE
NOTICE DATE April 25, 2005	PAGE 1 of 1	
JOCELYNE J. KIM LEW JOCELYNE J KIM LEW A PROFESSIONAL RE: JIE MA 2055 WOODSIDE RD STE 150 REDWOOD CITY CA 94061-3347		Notice Type: Receipt Notice Amount received: \$ 385.00 Section: Derivative adjustment

Receipt notice - If any of the above information is incorrect, call customer service immediately.

Processing time - Processing times vary by kind of case.

- You can check our current processing time for this kind of case on our website at uscis.gov.
- On our website you can also sign up to get free e-mail updates as we complete key processing steps on this case.
- Most of the time your case is pending the processing status will not change because we will be working on others filed earlier.
- We will notify you by mail when we make a decision on this case, or if we need something from you.
- If you move while this case is pending, call customer service when you move.
- Processing times can change. If you don't get a decision or update from us within our current processing time, check our website or call for an update.

If you have questions, check our website or call customer service. Please save this notice, and have it with you if you contact us about this case.

Notice to all customers with a pending I-130 petition - USCIS is now processing Form I-130, Petition for Alien Relative, as a visa number becomes available. Filing and approval of an I-130 relative petition is only the first step in helping a relative immigrate to the United States. Eligible family members must wait until there is a visa number available before they can apply for an immigrant visa or adjustment of status to a lawful permanent resident. This process will allow USCIS to concentrate resources first on cases where visas are actually available. This process should not delay the ability of one's relative to apply for an immigrant visa or adjustment of status. Refer to www.state.gov/travel <<http://www.state.gov/travel>> to determine current visa availability dates. For more information, please visit our website at www.uscis.gov or contact us at 1-800-375-5283.

Always remember to call customer service if you move while your case is pending. If you have a pending I-130 relative petition, also call customer service if you should decide to withdraw your petition or if you become a U.S. citizen.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

U.S. CITIZENSHIP & IMMIGRATION SVC
CALIFORNIA SERVICE CENTER
P. O. BOX 30111
LAGUNA NIGUEL CA 92607-0111
Customer Service Telephone: (800) 375-5283



Exhibit B, I-485 Receipt for Jie Ma

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Department of Homeland Security
U.S. Citizenship and Immigration Services**I-797, Notice of Action****THE UNITED STATES OF AMERICA**

RECEIPT NUMBER WAC-05-137-50901		CASE TYPE I140 IMMIGRANT PETITION FOR ALIEN WORKER
RECEIPT DATE April 15, 2005	PRIORITY DATE May 17, 1999	PETITIONER LSI LOGIC CORPORATION
NOTICE DATE July 12, 2005	PAGE 1 of 1	BENEFICIARY ZHANG, ZHONG
JOCELYNE J. KIM LEW JOCELYNE J KIM LEW A PRO LAW CORP RE: LSI LOGIC CORPORATION 2055 WOODSIDE RD STE 150 REDWOOD CITY CA 94061-3347		Notice Type: Approval Notice Section: Skilled Worker or Professional, Sec.203(b)(3)(A)(i) or (ii)

The above petition has been approved. The approved petition will be stored in this office. If the person for whom you are petitioning is or becomes eligible to apply for adjustment of status, he or she should contact the local INS office to obtain Form I-485, Application for Permanent Residence. A copy of this notice should be submitted with the application, with appropriate fee, to this Service Center. Additional information about eligibility for adjustment of status may be obtained from the local INS office serving the area where he or she lives, or by calling 1-800-375-5283.

If the person for whom you are petitioning decides to apply for a visa outside the United States based upon this petition, the petitioner should file Form I-834, Application for Action on an Approved Application or Petition, with this office to request that we send the petition to the Department of State National Visa Center (NVC).

The NVC processes all approved immigrant visa petitions that require consular action. The NVC also determines which consular post is the appropriate consulate to complete visa processing. It will then forward the approved petition to that consulate.

THIS FORM IS NOT A VISA NOR MAY IT BE USED IN PLACE OF A VISA.

Please see the additional information on the back. You will be notified separately about any other cases you filed.
U.S. CITIZENSHIP & IMMIGRATION SVC
CALIFORNIA SERVICE CENTER
P. O. BOX 30111
LAGUNA NIGUEL CA 92607-0111
Customer Service Telephone: (800) 375-5283



Exhibit C, Approval Notice for I-140 Petition for Zhong Zhang

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Page 1 of 2

Goyette, Sarah

From: CSC XII 485 [CSC-XII.485@dhs.gov]
Sent: Tuesday, January 23, 2007 12:29 PM
To: Goyette, Sarah
Subject: RE: Inquiry on WAC0513750806

The Principal applicant's I-485 is still pending FBI name check clearance. Once the file has been cleared by FBI, all the riding applicants and principal will be adjudicated. The Service has no control over how long it takes FBI to clear the case.

*Officer Bueno
Division 12
California Service Center*

From: Goyette, Sarah [mailto:Sarah.Goyette@lsi.com]
Sent: Friday, January 12, 2007 11:48 AM
To: 485, CSC-XII
Cc: SanFilippo, Gerda
Subject: Inquiry on WAC0513750806

Dear Sir or Madam,

Can you please provide a status update for the following case?

Zhong Zhang: WAC0513750806, DOB: 7/12/1968

PD: 05/17/1999 3rd preference (this is current)

Jie Mia (spouse) WAC0514451635; DOB 3/31/1964

The AOS was filed on April 12, 2005. The case is beyond processing times. The former attorney of record on this case, Jocelyne Lew, responded to a RFE this February 2006. The Alien completed fingerprinting on 10/6/2006.

I am the new attorney representing the Alien in this case.

Thank you for your kind consideration.

Best regards,

Sarah Goyette

Sarah G. Goyette
Corporate Counsel

LSI Logic Corporation
1621 Barber Lane

Exhibit D, Electronic correspondence between corporate counsel and USCIS CSC

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2/26/2007

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Milpitas, CA 95035
TEL 408.433.7628
FAX 408.433.7770

Sarah.Goyette@lsi.com

This message and any attached documents contain information which may be confidential, subject to privilege or exempt from disclosure under applicable law. These materials may be used only by the intended recipient of this communication. You are hereby notified that any distribution, disclosure, printing, copying, storage, modification or the taking of any action in reliance on this communication is strictly prohibited. Delivery of this message to any person other than the intended recipient shall not compromise or waive such confidentiality, privilege or exemption from disclosure as to this communication. If you have received this communication in error, please immediately notify the sender and delete the message in its entirety from your system.

Exhibit D, Electronic correspondence between corporate counsel and USCIS CSC

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2/26/2007

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Page 1 of 1

InfoPass..

**Name: Zhong Zhang****Appointment Speak to immigration officer****Type:****Confirmation SNJ-07-5545****No.:****Appointment March 1, 2007****Date:****Authentication 17786
Code:****Appointment 9:15
Time: AM****Location: 1887 MONTEREY ROAD, San Jose, CA 95112; LOBBY****This is your Confirmation
Number:****If you wish to cancel this appointment, you will need the
following Personal Identification Number:
42752**

Please be on time. Failure to show up on time will result in the cancellation of your appointment. You will then need to reschedule your appointment. You will not be admitted more than 15 minutes before your scheduled appointment time.

- **You must appear in person and bring photo identification along with this appointment letter.**
- **Acceptable forms of identification are any of the following: Government issued identification, passport, valid driver's license, I-94, Work Authorization Card, or Permanent Resident Card. (Green Card)**
- **In order to serve you more efficiently, we require you to bring all applicable immigration forms, letters, receipts, translations and originals of supporting documents.**

Exhibit E, Infopass appointment with local CIS officer**- 20 -**

APR-06-2007 10:28 AM MARK & JOAN

1 4P 3431328

P.09

MICHAEL M. HONDA

15TH DISTRICT, CALIFORNIA

COMMITTEE ON SCIENCE

SUBCOMMITTEES:

RANKING MEMBER

ENERGY

SPACE AND AERONAUTICS

COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE

SUBCOMMITTEES:

AVIATION

HIGHWAYS, TRANSIT, AND PIPELINES

COAST GUARD AND MARITIME TRANSPORTATION

CHAIR

CONGRESSIONAL ASIAN PACIFIC

AMERICAN CAUCUS

Mrs. Zhong Zhang

10122 Imperial Avenue

Cupertino, California 95014



Congress of the United States
House of Representatives

WASHINGTON OFFICE:
1713 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
PHONE: (202) 225-2631
FAX: (202) 225-2688
<http://www.house.gov/honda>

DISTRICT OFFICE:
1989 SOUTH BASCOM AVENUE
SUITE 9815
CAMPBELL, CA 95008
PHONE: (408) 558-8085
FAX: (408) 558-8086
GILROY RESIDENTS: (888) 843-4716

March 1, 2007

Dear Mrs. Zhang:

I have received a response from the United States Citizenship and Immigration Service regarding the inquiry I made on your behalf.

According to my liaison, your case is still under review and therefore pending. Please refer to the Case Status copies provided by the California Service Center.

Thank you for allowing me to be of assistance in this matter. I hope that you find this information useful. Please do not hesitate to contact me in the future on matters involving federal agencies.

Sincerely,

Michael M. Honda

Mike Honda

Member of Congress

To receive updates on issues and events important to you, please sign up at
<http://www.house.gov/honda/contactmike.html> for my e-mail newsletter.

MH:MN

Exhibit F, Letter from Congressman Mike Honda

- 21 -

APR-06-2007 10:29 AM MARK & JOAN

1 400 3431328

P.10

Case Status Search

Receipt Number: WAC0513750808

Application Type: I485, APPLICATION TO REGISTER PERMANENT RESIDENCE OR TO
ADJUST STATUS

Current Status:

Response to request for evidence received, and case processing has resumed.

On February 6, 2008, we received your response to our request for evidence. We will notify you by mail when we make a decision or if we need something from you. If you move while this case is pending, call customer service. You should expect to receive a written decision or written update within 60 days of the date we received your response unless fingerprint processing or an interview are standard parts of case processing and have not yet been completed, in which case you can use our processing dates to estimate when this case will be done. This case is at our CALIFORNIA SERVICE CENTER location. Follow the link below to check processing dates. You can also receive automatic e-mail updates as we process your case. Just follow the link below to register.

If you have a question about case status information provided via this site, or if you have not received a decision from USCIS within the current processing time listed, please contact Customer Service at (800) 375 5283 or 1-800-767-1833 (TTY).

Exhibit F, Response to Congressman Mike Honda's inquiry from USCIS CSC

- 22 -

APR-06-2007 10:29 AM MCK & JOAN

1 487 3431328

P. 11

BARBARA BOXER
CALIFORNIACOMMITTEES:
COMMERCE, SCIENCE,
AND TRANSPORTATION
ENVIRONMENT
AND PUBLIC WORKS
FOREIGN RELATIONS**United States Senate**HART SENATE OFFICE BUILDING
SUITE 112
WASHINGTON, DC 20510-0505
(202) 224-3553
<http://boxer.senate.gov/contact>

March 30, 2007

Mrs. Zhong Zhang
10122 Imperial Ave
Cupertino, California 95014

Dear Mrs. Zhang:

Thank you for your correspondence to Senator Boxer's office regarding your application for adjustment of status.

It has been communicated to me by the Nebraska Service Center of the U.S. Citizenship and Immigration Services (USCIS), that your case is awaiting final security clearances. The Nebraska Service Center is unable to estimate the amount of time it will take for the security clearances to be completed.

Since the terrorist attacks of September 11, 2001, the Federal Bureau of Investigations has been engaged with other U.S. government agencies in extensive clearance procedures for persons with pending adjustment of status applications. The time needed for adjudication will continue to be difficult to predict, as necessary new procedures are refined. Due to the sensitive nature of these clearances, U.S. security will not be compromised and there are no expedites or information being released to third parties, including congressional offices. If you wish to learn more about these clearances, you may visit the Federal Bureau of Investigations website at www.fbi.gov or review the enclosed Fact Sheet provided by USCIS.

Thank you for writing to Senator Boxer. I regret that we are unable to be of more assistance regarding this matter.

Sincerely,

Lucia C. Macias
Constituent Representative**Exhibit G, Letter from Senator Barbara Boxer's Office**

- 23 -

1700 MONTGOMERY STREET
SUITE 240
SAN FRANCISCO, CA 94111
(415) 403-0100312 NORTH SPRING STREET
SUITE 1748
LOS ANGELES, CA 90012
(213) 894-8000501 T STREET
SUITE 7-600
SACRAMENTO, CA 95814
(916) 448-27872500 TULARE STREET
SUITE 5290
FRESNO, CA 93721
(559) 497 5109600 'B' STREET
SUITE 2240
SAN DIEGO, CA 92101
(619) 239-3884201 NORTH 'E' STREET
SUITE 210
SAN BERNARDINO, CA 92401
(909) 888-8825

APR-06-2007 10:26 AM MCK & JOAN

1 407 3431328

P.05

Department of Homeland Security
U.S. Citizenship and Immigration Services

I-797C, Notice of Action

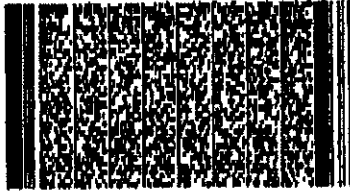


ASC Appointment Notice		APPLICATION NUMBER WAC0513750806	NOTICE DATE 9/19/2006
CASE TYPE I485 Application to Register Permanent Resident or Adjust Status	SOCIAL SECURITY NUMBER	USCIS AB	CODE 1
	TCR	SERVICE CENTER WSC	PAGE 1 of 1

ZHONG ZHANG
10122 IMPERIAL AVE
CUPERTINO, CA 95014

BIOMETRICS PROCESSING STAMP

ASC SITE CODE: XTESD
BIOMETRICS QA REVIEW BY: _____
ON _____
TENPRINTS QA REVIEW BY: _____
ON OCT 06 2006



To process your application, the U. S. Citizenship & Immigration Services (USCIS) must capture your biometrics.
PLEASE APPEAR AT THE BELOW APPLICATION SUPPORT CENTER AT THE DATE AND TIME SPECIFIED.
IF YOU FAIL TO APPEAR AS SCHEDULED, YOUR APPLICATION WILL BE CONSIDERED ABANDONED.

APPLICATION SUPPORT CENTER USCIS SAN JOSE 122 CHARCOT AVE. SAN JOSE, CA 95131	DATE AND TIME OF APPOINTMENT 10/06/2006 8:00 AM
---	--

WHEN YOU GO TO THE APPLICATION SUPPORT CENTER TO HAVE YOUR BIOMETRICS TAKEN, YOU MUST BRING:


1. **THIS APPOINTMENT NOTICE** and
2. **PHOTO IDENTIFICATION.** Naturalization applicants must bring their Alien Registration Card. All other applicants must bring a passport, driver's license, national ID, military ID, or State-issued photo ID. If you appear without proper identification, your biometrics may not be taken.

REQUEST FOR RESCHEDULING

Please reschedule my appointment for the next available: ☐ Wednesday afternoon ☐ Saturday afternoon

U. S. Citizenship & Immigration Services (USCIS) cannot guarantee the day preferred, but will do so to the extent possible. Upon receipt of your request, you will be provided a new appointment notice. Make a copy of this notice for your records, then mail the original with your request to USCIS SAN JOSE, 122 CHARCOT AVE., SAN JOSE, CA 95131

APPLICATION NUMBER 1
I485 WAC0513750806



If you have any questions regarding this notice, please call 1-800-375-5283.

WARNING!

Due to limited seating availability in our lobby area, only persons who are necessary to assist with transportation or completing the biometrics worksheet should accompany you.

If you have open wounds or bandages/casts when you appear, the USCIS may reschedule your appointment if it is determined your injuries will interfere with taking your biometrics.

Exhibit H, Second Fingerprint notice for Zhong Zhang

From:

04/07/2007 09:25

#122 P.003/003

Department of Homeland Security
U.S. Citizenship and Immigration Services

I-797, Notice of Action



ASC Appointment Notice		APPLICATION NUMBER WAC0514451635	NOTICE DATE 2/21/2007
CASE TYPE I485 Application to Register Permanent Resident or Adjust Status	SOCIAL SECURITY NUMBER	USCIS A#	CODE 1
	TCR	SERVICE CENTER WSC	PAGE 1 of 1

JIE MA
10122 IMPERIAL AVE
CUPERTINO, CA 95014

BIOMETRICS PROCESSING STAMP

ASC SITE CODE: YTE / SAN JOSE
BIOMETRICS QA REVIEW BY: *[Signature]*
ON *[Signature]*
TENPRINTS CA REVIEW BY: *[Signature]*
ON *[Signature]* 03/17/2007

PLEASE READ THIS ENTIRE NOTICE CAREFULLY.

DATE AND TIME OF APPOINTMENT
03/17/2007
2:00 PM

To process your application, the U. S. Citizenship & Immigration Services (USCIS) must capture your biometrics.
PLEASE APPEAR AT THE BELOW APPLICATION SUPPORT CENTER AT THE DATE AND TIME SPECIFIED.
IF YOU FAIL TO APPEAR AS SCHEDULED, YOUR APPLICATION WILL BE CONSIDERED ABANDONED.

APPLICATION SUPPORT CENTER
USCIS SAN JOSE
122 CHARCOT AVE.
SAN JOSE, CA 95131

WHEN YOU GO TO THE APPLICATION SUPPORT CENTER TO HAVE YOUR BIOMETRICS TAKEN, YOU MUST BRING:

1. THIS APPOINTMENT NOTICE and
2. PHOTO IDENTIFICATION. Naturalization applicants must bring their Alien Registration Card. All other applicants must bring a passport, driver's license, national ID, military ID, or State-issued photo ID. If you appear without proper identification, your biometrics may not be taken.

CELL PHONES, CAMERAS, OR OTHER RECORDING DEVICES ARE NOT PERMITTED.

REQUEST FOR RESCHEDULING

☐ Please reschedule my appointment. Upon receipt of your request, you will be provided a new appointment notice. Make a copy of this notice for your records, then mail the original with your request to USCIS SAN JOSE, 122 CHARCOT AVE., SAN JOSE, CA 95131

APPLICATION NUMBER 1
I485 - WAC0514451635

If you have any questions regarding this notice, please call 1-800-375-5283.

WARNING!

Due to limited seating availability in our lobby area, only persons who are necessary to assist with transportation or completing the biometrics worksheet should accompany you.

If you have open wounds or bandages/casts when you appear, the USCIS may reschedule your appointment if it is determined your injuries will interfere with taking your biometrics.

Exhibit H, Second Fingerprint notice for Jie Ma

- 25 -

status of your case online.

For more information about when and how to contact us, whether your case is outside our processing time or if there are other issues, please see our fact sheet –

Case Services - How do I... know what kind of services are available to me after I file my application or petition?

One additional point about these projections. They are the time to complete processing and mail the actual notice and/or document. If you check case status online and see that your case has been approved, and you haven't yet received your approval notice or document in the mail, we ask that you wait thirty days from the approval date before contacting us. That is because it may take that long before it is returned to us as undeliverable. You can also print the case status online answer for your records.

Service Center Processing Dates for **California Service Center** Posted April 18, 2007

Form	Title	Classification or Basis for Filing	Now Processing Cases with Receipt Notice Date of
I-90	Application to Replace Permanent Resident Card	Initial issuance or replacement	June 22, 2006
I-102	Application for Replacement/Initial Nonimmigrant Arrival/Departure Record	Initial issuance or replacement of a Form I-94	January 13, 2007
I-129	Petition for A Nonimmigrant Worker	H-1B - Specialty occupation - Visa to be issued abroad	February 13, 2007
I-129	Petition for A Nonimmigrant Worker	H-1B - Specialty occupation - Change of status in the U.S.	February 13, 2007
I-129	Petition for A Nonimmigrant Worker	H-1B - Specialty occupation - Extension of stay in the U.S.	February 13, 2007
I-129	Petition for A Nonimmigrant Worker	H-2B - Other temporary workers	March 16, 2007
I-129	Petition for A Nonimmigrant Worker	H-3 - Temporary trainees	January 03, 2007
I-129	Petition for A Nonimmigrant Worker	E - Treaty traders and investors	January 26, 2007
I-129	Petition for A Nonimmigrant Worker	L - Intracompany transfers	March 16, 2007
I-129	Petition for A Nonimmigrant Worker	Blanket L	February 13, 2007
I-129	Petition for A Nonimmigrant Worker	O - Extraordinary ability	February 13, 2007
I-129	Petition for A Nonimmigrant Worker	P - Athletes, artists, and entertainers	February 13, 2007

Exhibit I, USCIS CSC Processing Dates posted 4/18/07

I-129	Petition for A Nonimmigrant Worker	Q - Cultural exchange visitors and exchange visitors participating in the Irish Peace process	February 13, 2007
I-129	Petition for A Nonimmigrant Worker	R - Religious occupation	February 13, 2007
I-129	Petition for A Nonimmigrant Worker	TN - North American Free Trade Agreement (NAFTA) professional	February 13, 2007
I-129F	Petition for Alien Fiance(e)	K-1/K-2 - Not yet married - fiance and/or dependent child	October 14, 2006
I-130	Petition for Alien Relative	U.S. citizen filing for a spouse, parent, or child under 21	October 13, 2006
I-130	Petition for Alien Relative	U.S. citizen filing for an unmarried son or daughter over 21	January 17, 2003
I-130	Petition for Alien Relative	U.S. citizen filing for a married son or daughter over 21	April 30, 2001
I-130	Petition for Alien Relative	U.S. citizen filing for a brother or sister	April 30, 2001
I-130	Petition for Alien Relative	Permanent resident filling for a spouse or child under 21	January 01, 2005
I-130	Petition for Alien Relative	Permanent resident filling for an unmarried son or daughter over 21	February 07, 2005
I-131	Application for Travel Document	All other applicants for advance parole	January 13, 2007
I-212	Application for Permission to Reapply for Admission into the U.S. After Deportation or Removal	Readmission after deportation or removal	October 14, 2006
I-360	Petition for Amerasian, Widow(er), or Special Immigrant	All other special immigrants	February 10, 2005
I-485	Application to Register Permanent Residence or to Adjust Status	Employment-based adjustment applications	October 14, 2006
I-526	Immigrant Petition By Alien Entrepreneur	For use by an entrepreneur who wishes to immigrate to the United States	October 14, 2006
I-539	Application to Extend/Change Nonimmigrant Status	Change of status to H or L dependents	January 13, 2007
I-539	Application to Extend/Change Nonimmigrant Status	Change status to the F or M academic or vocational student categories	January 13, 2007
I-539	Application to Extend/Change Nonimmigrant Status	Change Status to the J exchange visitor category	January 13, 2007
I-539	Application to Extend/Change Nonimmigrant Status	All other change of status applications	January 13, 2007
I-539	Application to Extend/Change Nonimmigrant Status	Extension of stay for H and L dependents	January 13, 2007

Exhibit I, USCIS CSC Processing Dates posted 04/18/07